

CCS SCS HB 1135 -- STATE ADMINISTRATIVE RULES REVIEW

Upon the filing of a request by a state agency with the Joint Committee on Administrative Rules and the Secretary of State and after publication in the Missouri Register, this bill authorizes the Secretary of State to make non-substantive changes to the Code of State Regulations to update the agency's name, address, phone number, or website information that are needed because of statutory changes or executive orders.

Within 60 days after receipt by an agency of a written petition filed by an individual requesting it to adopt, amend, or repeal a rule, the bill requires the agency to submit a written response to the petitioner and a copy of the response to the joint committee and the Commissioner of Administration containing its determination, along with a concise summary of the basis for its determination. If the agency determines that the rule merits adoption, amendment, or rescission, it must initiate the applicable proceedings. The joint committee may refer comments or recommendations regarding the rule to the General Assembly for further action.

Each state agency must periodically review all of its rules in the Code of State Regulations according to the following schedule:

(1) Rules contained in titles 1 through 6 must begin the review process no later than July 1, 2015, and every five years thereafter;

(2) Rules contained in titles 7 through 10 must begin the review process no later than July 1, 2016, and every five years thereafter;

(3) Rules contained in titles 11 through 14 must begin the review process no later than July 1, 2017, and every five years thereafter;

(4) Rules contained in titles 15 through 19 must begin the review process no later than July 1, 2018, and every five years thereafter; and

(5) Rules contained in titles 20 and higher must begin the review process no later than July 1, 2019, and every five years thereafter.

The joint committee must cause a notification of agency review to be published in the Missouri Register indicating the rules being reviewed. Each agency with rules subject to review must prepare and file a report containing the results of its periodic rule

review with the joint committee and the Small Business Regulatory Fairness Board by June 30 of the year after publication of agency review in the Missouri Register and make the report available on the agency's website. If a state agency does not file the report as required for any rule, in the absence of an extension for good cause, the joint committee must notify the Secretary of State to publish a notice as soon as practicable in the Missouri Register on the rules that are delinquent. The rule must be void and of no further effect after the first 60 legislative days of the next Regular Session of the General Assembly unless the agency corrects the delinquency by providing the required review within 90 days after publication.

The provision requiring every agency with rules that affect small business submit a list of the rules and a report to the General Assembly and the Small Business Regulatory Fairness Board every two years is repealed because that same information is required as part of the periodic review of all administrative rules.